

In The Claims:

1. (Currently amended) A method to avoid ~~transgene~~ silencing of a ~~known~~ transgene ~~polynucleotide~~ comprising SEQ ID NO:16 operably linked to a polynucleotide encoding a chloroplast transit peptide in a transgenic plant, ~~wherein said known polynucleotide is a transgene,~~ comprising the steps of:
 - (a) obtaining a DNA construct comprising ~~[[a]]~~ an artificial polynucleotide encoding a chloroplast transit peptide operably linked to ~~an artificial polynucleotide comprising SEQ ID NO:18 that is divergent from a said known polynucleotide,~~ wherein said artificial polynucleotide and said known polynucleotide both encode polypeptides comprising SEQ ID NO:15;
 - (b) transforming said DNA construct into a plant cell; and
 - (c) regenerating said plant cell into a fertile transgenic plant,wherein said fertile transgenic plant comprises ~~transgenes for~~ both said artificial polynucleotide and said ~~known polynucleotide~~ transgene, and wherein silencing of said artificial polynucleotide and said ~~known polynucleotide~~ transgene is avoided.
- 2.-5. (Canceled)
6. (Previously presented) An artificial polynucleotide molecule comprising SEQ ID NO:18.
7. (Original) A DNA construct comprising: a promoter molecule that functions in plants, operably linked to said artificial polynucleotide molecule of claim 6.
8. (Previously presented) A plant cell, plant or progeny thereof comprising the DNA construct of claim 7, wherein said DNA construct further comprises a polynucleotide encoding a chloroplast transit peptide operably linked to said artificial polynucleotide molecule of claim 6.

9. (Previously presented) The plant or progeny thereof of claim 8, wherein said plant is selected from the group consisting of sugarcane, wheat, corn, rice, soybean, cotton, potato, canola, turf grass, forest trees, grain sorghum, vegetable crops, ornamental plants, forage crops, and fruit crops.
10. (Currently amended) A plant cell comprising at least two polynucleotides, wherein said two polynucleotides encode the same polypeptide and at least one of the polynucleotides is SEQ ID NO:18 operably linked to a polynucleotide encoding a chloroplast transit peptide.
11. (Previously presented) A plant or progeny thereof comprising said plant cell of claim 10.
- 12.-13. (Canceled)
14. (Currently amended) A plant cell, plant, or progeny thereof comprising ~~[[said]]~~ an artificial polynucleotide molecule comprising SEQ ID NO:18 operably linked a polynucleotide encoding a chloroplast transit peptide.
- 15.-23. (Canceled)
24. (Previously presented) A DNA detection kit comprising at least one isolated DNA molecule, wherein said isolated DNA molecule is selected from the group consisting of SEQ ID NO:26 and SEQ ID NO:27, wherein said DNA molecule is useful as a DNA probe or DNA primer.
- 25.-28. (Canceled)

29. (Previously presented) A method to avoid transgene silencing in transgenic plants comprising the steps of:

- (a) obtaining said plant cell of claim 10; and
- (b) regenerating said plant cell into a fertile transgenic plant, wherein said fertile transgenic plant comprises both said polynucleotides, and wherein silencing of said polynucleotides is avoided.

30-34. (Canceled)